

JS 44 (Rev. 12/07)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

ANDREA FENNELL-QUOTOB

## DEFENDANTS

GC SERVICES, LIMITED PARTNERSHIP

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Cynthia Levin, Esq., Law Offices of Todd M. Friedman, P.C., 1150  
First Avenue, Suite 501, King of Prussia, PA 19406

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 USC 1692

Brief description of cause: Violation of the Fair Debt Collection Practices Act

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

CLASS ACTION

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

08/04/2013

SIGNATURE OF ATTORNEY OF RECORD

Cynthia Levin

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

FEB 26 2014

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

## UNITED STATES DISTRICT COURT

14

1166

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1215 Bill Smith Blvd, King of Prussia PA 19406

Address of Defendant: 6330 Gulfton, Houston, TX 77081

Place of Accident, Incident or Transaction: 1215 Bill Smith Blvd, King of Prussia PA 19406

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☐

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases  
(Please specify) FDCPA

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

### ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney I.D.# \_\_\_\_\_

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 2/24/14

Cynthia J. Lee

Attorney-at-Law

27050

Attorney I.D.#



GP

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Andrea Fennell-  
Qutob

v.

GC Services,  
Limited  
Partnership

CIVIL ACTION

14 1166  
NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

2/24/14

Date

*Guthrie J. R.*  
Attorney-at-law

Plaintiff

Attorney for

877-206-4741

Telephone

866-633-0228

FAX Number

clevin@attorneysforconsumers.com

E-Mail Address

(Civ. 660) 10/02

FEB 26 2014

Cynthia Z. Levin, Esq. (PA 27050)  
 Law Offices of Todd M. Friedman, P.C.  
 1150 First Avenue, Suite 501  
 King of Prussia, PA 19406  
 Phone: 888-595-9111 ext 618  
 Fax: 866 633-0228  
 clevin@attorneysforconsumer.com  
 Attorney for Plaintiff

FILED

FEB 26 2014

MICHAEL E. KUNZ, Clerk  
By  Dep. Clerk

UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDREA FENNELL-QUTOB,

) Case No.

**14 1166**

Plaintiff,

) COMPLAINT FOR VIOLATION

) OF THE PENNSYLVANIA FAIR

vs.

) CREDIT EXTENSION

) UNIFORMITY ACT,

GC SERVICES, LIMITED  
PARTNERSHIP,

) PENNSYLVANIA UNFAIR TRADE

) PRACTICES AND CONSUMER

) PROTECTION LAW, AND

Defendant.

) FEDERAL FAIR DEBT

) COLLECTION PRACTICES ACT

**I. INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Pennsylvania Fair Credit Extension Uniformity Act and Pennsylvania Unfair Trade Practices and Consumer Protection Law. Furthermore, Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (hereinafter "FDCPA"), which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

## II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. §1692k (d).

## III. PARTIES

3. Plaintiff, ANDREA FENNELL-QUTOB (“Plaintiff”), is a natural person residing in Philadelphia County in the state of Pennsylvania, and is a “consumer” as defined by the FDCPA, 15 U.S.C. §1692a(3).

4. At all relevant times herein, Defendant, GC SERVICES, LIMITED PARTNERSHIP, (“Defendant”), was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a “debt,” as defined by 15 U.S.C. §1692a(5). Defendant regularly attempts to collect debts alleged to be due another, and therefore is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

## IV. FACTUAL ALLEGATIONS

5. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

6. Defendant contacted Plaintiff at (267) 265-6923, in connection with an attempt to collect an alleged debt that is not owed by Plaintiff.

7. Defendant is attempting to collect an alleged debt that has been defaulted past the statute of limitations.

1           8. Defendant contacted Plaintiff at times and places that were known to  
2 be inconvenient, including but not limited to, calling Plaintiff at her place of  
3 employment.  
4

5           9. Defendant contacted Plaintiff at work despite being aware that such  
6 calls were against the policies of Plaintiff's employer.  
7

8           10. Defendant falsely represented that failure to pay the alleged debt  
9 would result in the seizure and/or garnishment of Plaintiff's wages or property.  
10

11           11. On March 13, 2013, Plaintiff's counsel sent a letter informing  
12 Defendant that Plaintiff had been retained by counsel and requesting that  
13 Defendant cease and desist from contacting Plaintiff directly.  
14

15           12. On or about March 20, 2013, Defendant continued to contact  
16 Plaintiff directly, despite being aware that Plaintiff had been retained by counsel.  
17

18           **COUNT I: VIOLATION OF THE PENNSYLVANIA FAIR CREDIT**  
19           **EXTENSION UNIFORMITY ACT**

20           13. Plaintiff hereby incorporates all facts and allegations set forth in this  
21 Complaint by reference as if fully set forth at length herein.  
22

23           14. The Pennsylvania Fair Credit Extension Uniformity Act  
24 ("PaFCEUA") 73 P.S. § 2270.1 *et seq.* prohibits harassing and deceptive conduct  
25 by creditors while engaging in the practice of collecting a debt from consumers.  
26

27           15. Section 2270.5 of the PaFCEUA allows consumers to recover  
28 damages against creditors who engage in unfair and deceptive debt collection

1 practices under the Pennsylvania Unfair Trade Practices and Consumer Protection  
2 Law ("PUTCPL").  
3

4 16. Plaintiff is a "consumer" as defined by § 2270.3 of the PaFCEUA.

5 17. Defendant is a "creditor" as defined by § 2270.3 of the PaFCEUA.  
6

7 18. Defendant's conduct violated the PaFCEUA in multiple ways,  
8 including but not limited to:  
9

10 a) Falsely representing or implying that nonpayment  
11 of Plaintiff's debt would result in the seizure,  
12 garnishment, attachment, or sale of Plaintiff's  
13 property or wages, where such action is not  
14 lawful or Defendant did not intend to take such  
15 action;

16 b) Threatening to take an action against Plaintiff that  
17 cannot be legally taken or that was not actually  
18 intended to be taken;

19 c) Engaging in conduct the natural consequence of  
20 which is to harass, oppress, or abuse Plaintiff;

21 d) Causing Plaintiff's telephone to ring repeatedly or  
22 continuously with intent to harass, annoy or abuse  
23 Plaintiff;

24 e) Communicating with Plaintiff at times or places  
25 which were known or should have been known to  
26 be inconvenient for Plaintiff;

27 f) Repeatedly contacting Plaintiff at his/her place of  
28 employment after being informed that such calls



1 are inconvenient to Plaintiff and violate the  
2 policy of Plaintiff's employer;

3  
4 g) Falsely representing the character, amount, or  
5 legal status of Plaintiff's debt;

6  
7 h) Using false representations and deceptive  
8 practices in connection with collection of an  
9 alleged debt from Plaintiff;

10  
11 i) Using unfair or unconscionable means against  
12 Plaintiff in connection with an attempt to collect a  
13 debt;

14  
15 j) Collecting an amount from Plaintiff that is not  
16 expressly authorized by the agreement creating  
17 the debt;

18  
19 k) Collecting an amount from Plaintiff that is not  
20 permitted by law.

21  
22 19. As a result of the above violations of the PaFCEUA Plaintiff suffered  
23 and continues to suffer injury to Plaintiff's feelings, personal humiliation,  
24 embarrassment, mental anguish and emotional distress, and Defendant is liable to  
25 Plaintiff for Plaintiff's actual damages, statutory damages, and costs and  
26 attorney's fees.  
27  
28

**COUNT II: VIOLATION OF THE PENNSYLVANIA UNFAIR TRADE  
PRACTICES AND CONSUMER PROTECTION LAW**

20. Plaintiff hereby incorporates all facts and allegations set forth in this Complaint by reference as if fully set forth at length herein.

21. Defendant's conduct as set forth above constitutes an unfair or deceptive practice within the meaning of the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. §201-1, et seq.

22. Defendant's violation of the Pennsylvania Unfair Trade Practices and Consumer Protection law has caused Plaintiff to suffer the damage set forth hereinabove.

23. Plaintiff is entitled to triple damages and attorneys' fees as a result of Defendant's conduct, pursuant to 73 P.S. §201-9.2.

**COUNT III: VIOLATION OF FAIR DEBT  
COLLECTION PRACTICES ACT**

24. Plaintiff reincorporates by reference all of the preceding paragraphs.

25. Defendant's conduct violated the FDCPA in multiple ways, including but not limited to:

- 1) Falsely representing or implying that nonpayment of Plaintiff's debt would result in the seizure, garnishment, attachment, or sale of Plaintiff's property or wages, where such action is not

1 lawful or Defendant did not intend to take such  
2 action (§1692e(4));

3  
4 m) Threatening to take an action against Plaintiff that  
5 cannot be legally taken or that was not actually  
6 intended to be taken (§1692e(5));

7  
8 n) Engaging in conduct the natural consequence of  
9 which is to harass, oppress, or abuse Plaintiff  
10 (§1692d));

11  
12 o) Causing Plaintiff's telephone to ring repeatedly or  
13 continuously with intent to harass, annoy or abuse  
14 Plaintiff (§1692d(5));

15  
16 p) Communicating with Plaintiff at times or places  
17 which were known or should have been known to  
18 be inconvenient for Plaintiff (§1692c(a)(1));

19  
20 q) Repeatedly contacting Plaintiff at his/her place of  
21 employment after being informed that such calls  
22 are inconvenient to Plaintiff and violate the  
23 policy of Plaintiff's employer (§1692c(a)(1)(3));

24  
25 r) Falsely representing the character, amount, or  
26 legal status of Plaintiff's debt (§1692e(2)(A));

27  
28 s) Using false representations and deceptive  
practices in connection with collection of an  
alleged debt from Plaintiff (§1692e(10));

t) Using unfair or unconscionable means against  
Plaintiff in connection with an attempt to collect a  
debt (§1692f));

1  
2 u) Collecting an amount from Plaintiff that is not  
3 expressly authorized by the agreement creating  
4 the debt (§1692f(1));

5 v) Collecting an amount from Plaintiff that is not  
6 permitted by law (§1692f(1)).  
7

8 26. As a result of the above violations of the FDCPA Plaintiff suffered  
9 and continues to suffer injury to Plaintiff's feelings, personal humiliation,  
10 embarrassment, mental anguish and emotional distress, and Defendant is liable to  
11 Plaintiff for Plaintiff's actual damages, statutory damages, and costs and  
12 attorney's fees.  
13  
14

15 **PRAYER FOR RELIEF**  
16

17 WHEREFORE, Plaintiff respectfully prays that judgment be entered  
18 against the Defendant for the following:  
19

- 20 A. Declaratory judgment that Defendant's conduct  
21 violated the FDCPA;  
22 B. Actual damages;  
23 C. Statutory damages;  
24 D. Costs and reasonable attorney's fees; and,  
25 E. For such other and further relief as may be just and proper.  
26  
27  
28



**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

Respectfully submitted this 24th day of February, 2014.

By: /s/ Cynthia Z. Levin  
**Cynthia Z. Levin, Esq. (PA 27050)**  
**Law Offices of Todd M. Friedman, P.C.**  
**Attorney for Plaintiff**